

PUBLIC and AGENCY COMMENTS  
SUBMITTED  
IN  
RESPONSE TO ENVIRONMENTAL REPORT SCOPING NOTICE  
FOR THE  
98.9 MW ELLERTH WINDPARK PROJECT  
IN MARSHALL COUNTY, MINNESOTA

PUBLIC UTILITIES COMMISSION DOCKET NO. CN-11-112

Public Comments

Date

Geoff Griffin.....	November 14, 2011
Roger and Patrice Conely.....	November 21, 2011
Donovan Dyrdal.....	November 30, 2011

Agency Comments

Minnesota Department of Transportation.....	November 29, 2011
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**From:** Geoff Griffin  
**To:** Hartman, Larry (COMM)  
**Subject:** PUC Docket 11-112  
**Date:** Monday, November 14, 2011 8:48:58 AM

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I own 480 acres in Section 36 of Marsh Grove Township. The entire 480 acres is composed of very rare native prairie. The Minnesota Department of Natural Resources has a prairie bank easement over 460 acres. The DNR and Universities perform prairie and wildlife research on the property. We have concerns the proposed project will affect the natural environment of this very rare parcel of land. Please advise.

**Geoffrey G Griffin, CEO**  
G-Cubed

(507) 867-1666 ext #102  
(507) 867-1665 (fax)



## Hartman, Larry (COMM)

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**From:** rpconely@midco.net  
**Sent:** Monday, November 21, 2011 6:44 AM  
**To:** Hartman, Larry (COMM)  
**Cc:** rpconely@midco.net  
**Subject:** Ellerth WindPark Project PUC Docket: IP-6855/CN-11-112 Comment (Corrected)

Mr. Hartman,

In the e-mailed comment I sent yesterday, I noted several typographical errors. Please accept my corrected comment below.

Thank you,

Roger Conely

### COMMENT

I recently attended the public meeting held on November 7, 2011 in Newfolden Minnesota on this project (Ellerth Windpark Project, PUC Docket: IP-6855/CN-11-112).

I, along with my wife Patrice, own 179 acres in Section 28 of West Valley Township which is on the northern border of this proposed wind farm project. We built a log cabin on our property in 2000 and enjoy the serenity of this area.

I have several concerns that I wish to address:

- 1) In the past several years I, along with my wife and family, have witnessed a large holdover migration of sandhill cranes in Section 32 and 33 of West Valley Township in the vicinity of the Elseth Wildlife Management Area. This holdover occurs for a couple of week?s duration typically in early to mid-October, and numbers in the thousands of cranes. I am very concerned about the impact 65 massive wind turbines in this area may have on this migration route and possible loss of large numbers of these birds to the turbine blades.
- 2) I have driven past large wind farms in Illinois, Iowa, and Minnesota and find the sight to be disturbing. The visual pollution that these massive turbines create for many miles beyond the actual turbine doesn?t seem to be mentioned or talked about in all the propaganda-type literature handed out at the meeting. I personally find the loss of a natural horizon to look at very disturbing and I don?t think most residents of the area in question realize that they will never again be able to see the horizon without these massive turbines in the view! How does one measure the value of the loss of a natural horizon?
- 3) The property we own in Section 28 of West Valley Township was purchased in 1994 primarily as a nature/hunting property and as of 2009 we have had 170 of the 179 acres enrolled in the Sustainable Forest Incentive Program. I have a real concern regarding the loss of property value should we ever decide to sell this property along with the cabin we built in 2000, if this proposed wind farm becomes a reality. Most people I have talked with (other than those planning to profit from turbines on their property) feel much as I do and do not want to be looking at these turbines the rest of their lives.

Prospective buyers may well shy away from my property for more pristine acreage away from a wind farm. If this wind farm becomes a reality will I be compensated for my loss in property value?

- 4) In closing, my recommendation and also that of my wife, is that this project be cancelled due to the concerns I have stated.

Sincerely,

Roger Conely  
Patrice Conely

# Donovan Dyrdal

12744 180<sup>th</sup> ST NW Thief River Falls, MN 56701  
Phone: (218)681-8606 E-mail: [dyr-vally@hughes.net](mailto:dyr-vally@hughes.net)

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November 30, 2011

Larry Hartman  
State Permit Manager  
Minnesota Department of Commerce  
85 7<sup>th</sup> Place East, Suite 500  
St. Paul, MN 55101-2198  
[Larryhartman@state.mn.us](mailto:Larryhartman@state.mn.us)

Re: Comments for the record in proceedings related to Ellerth Wind Park near Newfolden  
MN PUC Docket No. 11-112

Dear Mr. Hartman:

Please find the enclosed comments offered in response to Ellerth Wind Park proposed in Marshall County Minnesota, near the City of Newfolden. Due to the significant potential impacts to Marshall County landscape, economy, and agriculture sector, I ask that the commissioners not rush to adopt Ellerth Wind Park in haste. I request that the Commissioners give appropriate deliberation and opportunity for public discussion. I respectfully ask that these comments be made part of the record in proceedings related to Ellerth Wind Park consideration.

Hundreds of jurisdictions around the county are currently wrestling with wind energy regulatory issues. Prior to the 1990s, very few local governments recognized LWECS activities as a distinct land use in need of regulation. Wind turbines have become an increasingly common part of the nation's landscape. As consistent winds of sufficient velocity in large open areas are necessary to facilitate cost-effective operation, the preponderance of these devices have been located in the Great Plains region. Ellerth Wind Park proposal is generally consistent with commercially reasonable industry standard adopted by various Minnesota counties.

Regulations categorically regulate the land use issues with design requirements, performance standards, and spacing requirements. Critical access not customarily addressed in the observed template ordinances in the Upper Midwest includes:

1.) Assessment and mitigation of potential adverse impacts on environment from the LWECS:  
and

2). Land use plan for removal or reuse of LWECS equipment upon discontinuance of the LWECS  
due to financial or physical obsolescence.

I suggest the Marshall County LWECS ordinance address the issue areas below. Additionally, I respectfully request the Marshall County Board of Commissioners address the issue area set forth below in its consideration of the LWECS.

**Environmental Assessment of Potential Adverse Impacts of the WECS.**

The assessment and mitigation plan should include, at a minimum, all the following:

- I. Impact on wildlife and wildlife habitat on the site and in biologically significant areas surrounding the site. In Minnesota, wildlife habitat is not confined to wet land areas; wildlife habitat is also located on Prime Agriculture Land;
- II. Impact on any endangered or threatened species on the site and in a biologically significant area surrounding the site, to include the American Bald Eagle that are just in recent years starting to show their presence again in the area;
- III. Impact on avian population, including migratory and endangered birds, such as the bald eagle;
- IV. Impacts on bats which reduce the insects populations on cropland;
- V. Impact on agriculture production and practices to specifically include drying/drought effects to the land;
- VI. Impact of noise levels at the residences nearest to the project boundary;
- VII. Any wastes, either municipal solid waste or hazardous waste, generated by the project;
- VIII. Electromagnetic fields and communication interference generated by the project, to include satellite television and cellular phones;
- IX. Impact on the project on civilian and military aviation in the area;
- X. Impact of the project on drainage and soil erosion;
- XI. Impact on the project of water quality;
- XII. Potential hazards from ice throws;
- XIII. Impact on historic, cultural or archaeological resources;
- XIV. Impact on shadow "flicker" on nearby residences & prime farm land to include farm operators that work the farm land from sun up to sun down to make their living;
- XV. Potential safety hazards of "blade glint";



- XVI. Impact on agriculture due to wind park roads cutting and splitting fields preventing large farm machinery access to smaller irregular shaped fields;
- XVII. Impact on surrounding landowners once the wind park is established pertaining to a routing system for purposes of gaining access to market. Specifically, will surrounding land owners be excluded from eminent domain/condemnation at that time, or will Ellerth be simply granted a Certificate of Need and use the condemnation procedure to take lands without the landowners consent?

Also please explain, if such a project is determined necessary for our country why not allow an American owned company to be the one to build this system, instead of Ellerth which is from Montreal, QC Canada. I have to make the assumption that there is a profit to be made that will benefit a foreign country; Whereas the USA could instead, be profiting especially at a time when this country is struggling to develop industry of its own, along with adding stability to our job market.

Before approval of this project is given I would appreciate data included in your report describing how this project will affect the local community way of life for the foreseeable future where it may upset some lives and may benefit others in the community. I would like the community to be presented with data supporting the economics of the wind park, as I have heard that this is a heavily subsidized industry, and I do not feel we should allow a foreign country our American dollars. People need to have a full understanding of the long term effects of this wind park, and where wind energy is headed. This is an agriculture based community, and as most people are aware food production is a growing global concern. Whereas, I believe the argument will be the project will not take very many acres out of production, but it certainly will affect the efficiency of producing food and fiber, not only for this nation but globally at the level we agriculture producers have to compete.

### **CUP Standard**

The conditional use permitting requirements are necessary and appropriate controls as a precondition to construction of all LWECS. We recommend the addition of the following findings and criteria:

1. The LWECS and related facilities shall be placed and arrayed so as to minimize adverse impacts and interference with existing and future agriculture production operations.
2. The proposed LWECS shall not result in the reduction or actually depreciate property values in the area.
3. The proposed LWECS shall not result in adverse effects to surrounding properties.

### **Tower Configuration**

Item F requires all feeder lines equal to or less than 34.5 k V shall be buried. I recommend this section be added to require all lines shall be buried at the minimum 54" ground cover including to the bottom of drainage ditches and that no installation shall interfere with storm water and drainage facilities; therefore avoiding interference and damage while maintaining ditching activities and other significant ordinary and necessary farming practices that often utilize heavy construction type equipment.

### **Interference**

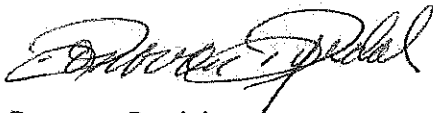
The applicant shall utilize the expertise of a radio frequency engineer to mitigate or minimize interference with electromagnetic interference, to include cellular phone interference.

### **Abandonment or Decommissioning L WECS**

As a result of the recent evolution of the WECS industry, there is limited experience in the removal of the LWECS industry; there is limited experience in the removal of LWECS facilities after discontinuation of use. The LWECS Ordinance proposes: "All LWECS and accessory facilities shall be removed four feet below ground level within 180 days of the discontinuation of use". A decommissioning plan must be backed up with the financial assurances to guarantee of LWECS facilities at the end of their operating life. I propose adding a bond requirement along with the following terms: No permit for erection or construction shall be issued until the applicant shall have submitted a bond equal to an amount not less than \$XXX,000 for each LWECS tower.

As stated previously, consideration of a LWECS ordinance is a serious undertaking that will literally affect the landscape of Marshall County for generations to come. I respectfully suggest the Board of Commissioners not rush to undertake implementation of these regulations in haste, but provide fair opportunity for input, discussion and deliberation to balance the interests of residence, business owners, agricultural producers and LWECS industry. Thank you for consideration of these comments and recommendations. Should you have any questions, please do not hesitate to contact me at (218)681-8606.

Sincerely,



Donovan Dyrdal  
Landowner/Agriculture Producer in Marshall County  
12744 180<sup>th</sup> ST NW  
Thief River Falls, MN 56701



**Minnesota Department of Transportation**

**Office of Land Management**

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Mailstop 678

November 29, 2011

Larry Hartman, State Permit Manager

Minnesota Office of Energy Security

85 7th Place East, Suite 500

St. Paul, MN 55101

RE: In the Matter of Ellerth Wind, LLC's 98.9 MW Large Wind Energy Conversion System  
PUC Docket Number: IP-6855/WS-11-608

Dear Mr. Hartman,

On October 24<sup>th</sup>, 2011, the Minnesota Office of Energy Security (OES) issued a Notice of Public Information and Scoping Meeting which includes a public comment period regarding the scope of the environmental report (ER) and the draft site permit that is under consideration with respect to Ellerth Wind, LLC's Ellerth Windpark 98.9 Megawatt Large Wind Energy Conversion System (LWECS) in Marshall County. The Minnesota Department of Transportation (MnDOT) has reviewed the application regarding the proposed project and submits the following comments in response to the Notice.

MnDOT appreciates the opportunity to comment on the draft site permit. MnDOT notes that there are several provisions that may have impacts on the state transportation system.

Based on the information provided in the Shell Rock Wind Farm Site Permit Application, it does not appear that the project area directly abuts a state trunk highway. However, there may be highway-related considerations related to oversize/overweight hauling of wind turbines and equipment. Specifically, these large loads of freight are often transported along interregional and regional corridors such as TH 59. Because MnDOT's highway construction activities could impact the Applicant's plans to haul oversize loads to the proposed site, the Applicant will need to coordinate with MnDOT when planning such loads. If the Ellerth Windpark or its associated facilities should happen to intersect with the trunk highway system, the Applicant will need to apply for and obtain permits for those locations.

The draft site permit should include language specifying that the Permittee shall obtain all relevant permits or authorizations from road authorities relating to any electric cables and/or feeder lines that may be proposed to be placed in a public road right-of-way. MnDOT has adopted a formal policy and procedures for accommodation of utilities on the highway rights-of-way ("Utility Accommodation Policy"). A copy of MnDOT's policy can be found at

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<http://www.dot.state.mn.us/utility/files/pdf/appendix-b.pdf>. MnDOT's policy seeks to permit utilities to occupy portions of the trunk highway rights-of-way where such occupation does not put the safety of the traveling public or highway workers at risk or unduly impair the public's investment in the transportation system. Compliance with MnDOT's Utility Accommodation Policy, and similar policies of other road authorities, should be included as a condition of the site permit.

Any wind farm construction work, including delivery or storage of structures, materials or equipment that may affect MnDOT right-of-way is of concern such that MnDOT should be involved in planning and coordinating such activities. The site permit should include language specifying that the Permittee shall obtain all relevant permits from road authorities relating to the transport of oversize materials and equipment related to the project over public roads, as well as installation of facilities that may be proposed to occupy portions of public road rights-of-way. Please note that if work is required within MnDOT right of way for temporary or permanent access, such work should be coordinated with Earl Hill in MnDOT's District 2B Utility Permits Office at 218-277-7964 or [Earl.Hill@state.mn.us](mailto:Earl.Hill@state.mn.us).

Please note that MnDOT is uncertain at this time whether the Ellerth Windpark is an entity that has lawful authority to place its facilities in a public road right-of-way. This matter should be addressed in the ER.

Sincerely,



Stacy Kotch  
Utility Transmission Route Coordinator  
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